

ORDINANCE #13-24

**BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX
ORDINANCE ADDRESSING STORMWATER MANAGEMENT
REFUSE CONTAINERS AND DUMPSTERS**

WHEREAS, the Borough of Sayreville (Borough) seeks to manage the impacts of stormwater within the Borough; and

WHEREAS, the United States Environmental Protection Agency (EPA) has developed model ordinances relating to stormwater, including management of refuse containers and dumpsters; and

WHEREAS, the Borough desires to incorporate the EPA model stormwater ordinance relating to refuse containers and dumpsters into the Borough's Ordinances in order to manage the effects of stormwater in conformance to EPA standards.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sayreville in the County of Middlesex, State of New Jersey, as follows:

SECTION 1. Chapter XIV of the Code of Ordinances, titled "Water and Sewer", Article I -Water Regulations, is hereby supplemented as follows:

§ 14-26 Refuse Containers and Dumpsters.

14-26.1 Purpose.

The purpose of this Ordinance is to require dumpsters and other refuse containers within the Borough that are outdoors or exposed to stormwater to be covered at all times and to prohibit the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the Borough's sewer system and/or the Waters of the State so as to protect public health, safety, and welfare, and to prescribe the penalties for the failure to comply.

14-26.2 Definitions.

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

- b. “Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. “Refuse container” means any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. “Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. “Waters of the State” means the Atlantic Ocean and its estuaries, all springs, streams, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

14-26.3 Prohibited Conduct.

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids, or solids to the Borough’s storm sewer system.

14-26.4 Exceptions to Prohibition.

- a. Permitted temporary demolition containers;
- b. Litter receptacles (other than dumpsters or other bulk containers);
- c. Individual homeowner trash and recycling containers;
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJDEP permit; and
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

14-26.5 Enforcement.

This section shall be enforced by the Borough Department of Public Works.

14-26.6 Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$1,000.00. If any paperwork required under this section is not submitted, a fine of not more than \$1,000.00 shall be assessed for each month that said paperwork is not submitted.

SECTION 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

INTRODUCED/APPROVED ON FIRST READING

DATED: March 25, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Michael Colaci, Councilman
(Public Works Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: April 8, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Michael Colaci, Councilman
(Public Works Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2024.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney